

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Defendants.

Judge: Hon. Jeffrey S. White
Hearing Date: None

On August 23, 2011, the United States filed *United States v. Walter Liew and Christina Liew*, No. CR-11-0573-RS. On February 7, 2012, the United States filed a superseding indictment in said action. *Id.* at Docket # 64. On March 12, 2013, the United States filed a Second Superseding Indictment. *Id.* at Docket # 269,

DuPont's Position: The second superseding indictment alleges that defendant Walter Liew, his wife, Christina Liew, and several other defendants violated multiple federal trade secret and economic espionage laws when they stole – and utilized – the trade secrets at issue in this action. *Inter alia*, Mr. Liew is charged with Conspiracy to Commit Economic Espionage, Conspiracy to Commit Theft of Trade Secrets, Possession of Trade Secrets, Conveying Trade Secrets, Witness Tampering, and False Statements. *See id.* ¶¶ 16-97. In addition, the second superseding indictment identifies five DuPont trade secrets relating to its TiO₂ technology at issue in the criminal action. *Id.* ¶ 14.

USAPT's Position: Defendants believe that the second superseding indictment speaks for itself, and no further explanation or commentary is appropriate or needed.

On September 7, 2011, this Court issued an Order relating the criminal proceeding with this action, pursuant to its determination that this action and the criminal proceeding are related within the meaning of Crim. L.R. 8-1(b). (Docket # 42.)¹

On September 23, 2011, the parties filed a joint status report requesting that the stay initially entered on July 22, 2011 (Docket # 39), be extended for an additional 60 days. (Docket # 44.) On September 29, 2011, the Court granted the parties' request. (Docket # 45.)

On November 23, 2011, the parties filed an additional joint status report requesting that the stay be extended for an additional 60 days. (Docket # 46.) The Court granted the parties' request on November 29, 2011. (Docket # 48.)

On January 24, 2012, the parties filed an additional joint status report requesting that the stay be extended for an additional 60 days. (Docket # 49.) The Court granted the parties' request on January 31, 2012. (Docket # 50.)

On March 26, 2012, the parties filed an additional joint status report requesting that the stay be extended for an additional 60 days. (Docket # 51.) The Court granted the parties' request on March 27, 2012. (Docket # 52.)

¹ On September 16, 2011, DuPont dismissed without prejudice defendant John Liu pursuant to Federal Rule of Civil Procedure 41(a)(1). (Docket # 43.) Thus, the only remaining defendants in this action are Walter Liew and his company, USA Performance Technology Inc.

1 On May 23, 2012, the parties filed an additional joint status report requesting that the
2 stay be extended for an additional 60 days. (Docket # 53). The Court granted the parties'
3 request on May 23, 2012. (Docket # 54).

4 On July 23, 2012, the parties filed an additional joint status report requesting that the stay
5 be extended for an additional 60 days. (Docket # 55). The Court granted the parties' request on
6 July 24, 2012. (Docket # 56).

7 On September 21, 2012, the parties filed an additional joint status report requesting that
8 the stay be extended for an additional 60 days. (Docket # 57). The Court granted the parties'
9 request later that day. (Docket # 58).

10 On November 20, 2012, the parties filed an additional joint status report requesting that
11 the stay be extended for an additional 60 days. (Docket # 59). The Court granted the parties'
12 request later that day. (Docket # 60).

13 On January 18, 2013, the parties filed an additional joint status report requesting that the
14 stay be extended for an additional 60 days. (Docket # 61). The Court granted the parties'
15 request later that day. (Docket # 62).

16 ///

17 ///

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1 The undersigned counsel request that the stay remain in place for an additional 60 days,
2 at which time the parties will update the Court.

3 Dated: March 26, 2013

4 GLYNN & FINLEY, LLP
5 CLEMENT L. GLYNN
6 MORGAN K. LOPEZ
7 JONATHAN A. ELDREDGE
8 One Walnut Creek Center
9 100 Pringle Avenue, Suite 500
10 Walnut Creek, CA 94596

11 By /s/ Morgan K. Lopez
12 Attorneys for Plaintiff

13 Dated: March 26, 2013

14 MOUNT & STOELKER, P.C.
15 DANIEL S. MOUNT
16 ON LU
17 KEVIN M. PASQUINELLI
18 RiverPark Tower, Suite 1650
19 333 West San Carlos Street
20 San Jose, CA 95110-2740

21 By /s/ Daniel S. Mount
22 Attorneys for Defendants USA Performance
23 Technology, Inc., and Walter Liew
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

~~[PROPOSED]~~ ORDER

Having read and considered the Joint Status Report,

IT IS ORDERED THAT:

The parties' request that the stay be extended until May 27, 2013 is hereby GRANTED.

Counsel shall submit a joint status report on or before May 20, 2013.

March 26, 2013

